

REMARKS

This Amendment and Response to Office Action is made in response to the examiner's Office Action dated November 16, 2004. The examiner's comments have been carefully considered, and are addressed in turn in the following paragraphs.

Claim Rejection under 35 U.S.C. §112

The rejection of this application under 35 U.S.C. §112 has been maintained by the examiner. In response to the examiner's specific requirements, as expressed in paragraphs A through F of the Office Action, applicant has amended the specification to provide additional botanical information. Each requirement is discussed in turn below.

A. Asexual reproduction: The specification has been amended to point out that the new apple tree has been asexually reproduced by budding (page 1-2).

B. Flower size: The specification has been amended to properly identify the flower size as 4.3 to 4.4 *cm* (page 4).

C. Leaf vein color and arrangement: The specification has been amended to include a description of the color and pattern of the leaf venation (page 5).

D. Lenticels: The specification has been amended to quantify the size of the fruit lenticels (page 5).

E. Seeds: The specification has been amended to quantify the size of the seeds (page 6).

F. Shipping characteristics: The shipping characteristics of the claimed variety have not yet been evaluated. In the absence of such information, no amendment to the specification has been made regarding shipping characteristics.

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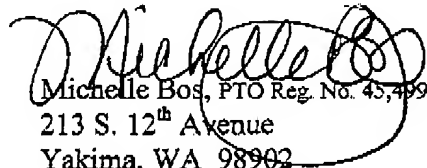
The specification as amended contains no new matter, complies with 35 U.S.C §112, and meets the examiner's specific requirements for the botanical description.

CONCLUSION

In light of the foregoing amendment and discussion, applicant believes that this application is now in condition for allowance. Such action is respectfully requested. Any remaining questions or comments may be directed to applicant's representative who signs below.

Respectfully Submitted,

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